

1288/95

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 1282/95 TO 1290/95.

Dated this Wednesday, the 1st day of March, 2000.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

O.A. NO.: 1282/95.

1. Shri P. R. Pardeshi,
Miller H.S.-I.
2. Shri N. S. Kale,
Miller H.S.-I.
3. Shri V. W. Patil,
Turner HS-I.
4. Shri M. S. Mahale,
Miller H.S.-I.
5. Shri S. D. Vispute,
Turner HS-II.
6. Shri G. Z. Jadhav,
Turner HS-II.
7. Shri N. S. Ahirrao
Fitter HS-I.
8. Shri S.S. Kumbhar,
Turner HS-I.
9. Shri S. T. Patil,
Turner HS-II.
10. Shri R. K. Sonde,
Miller HS-I.
11. Shri V. N. Choudhari,
Fitter.
12. Shri A. S. Kulkarni,
Exam. HS-I.
13. Shri B. K. Amrutkar,
Turner H.S.-I.

... Applicants.

VERSUS

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 011.
2. The Director General,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.
3. The General Manager,
Machine Tool Prototype
Factory, Ambernath.

*Respondent Nos.
1 to 3 in all the
O.As. (1282/95 to
1290/95).

(By Advocate Shri R. K. Shetty
alongwith Shri R. R. Shetty).

4. Shri S. C. Patil.
5. Shri S. Muthu.
6. Shri R. D. Patil.
7. Shri P. S. Tamboli.
8. Shri P. K. Lokhande
9. Shri M. N. Bhoir.
10. Shri N. D. Pawar.
11. Shri V. S. Deshmukh.
12. Shri R. D. Ahir.
13. Shri S. T. Bhujbal.
14. Shri M. Mansoor Ali.
15. Shri V. N. Sonawale.
16. Shri S. G. Bhoir.
17. Shri N. H. Bhoir.
18. Shri M.G.M. Sayyed.
19. Shri K. Krishnan.
20. Shri John Vincent.
21. Shri P. K. Sargar.
22. Shri Y.A. Jadhav.
23. Shri B. B. Madikkar.
24. Shri Ramlu Lingappa.
25. Shri Ganga Bisram

26. Shri T. R. Gaikwad.
27. Shri A. G. Ramaiah.
28. Shri V. J. Sonawane.
29. Shri V. J. Adhav. ... Respondents.

O.A. NO.: 1283/95.

Shri S. S. Shetye
Miller H.S.-1
Machine Tool Prototype,
Factory, Ambernath. ... Applicant.

VERSUS

1 to 3 : official respondents
same as above.*

4. R. D. Patil.
5. P. S. Tamboli.
6. P. K. Lokhande.
7. M. N. Bhoir.
8. N. D. Pawar.
9. V. S. Deshmukh.
10. R. D. Ahir.
11. V. P. Jadhav.
12. S. T. Bhujbal.
13. M. Mansoor Ali.
14. V. M. Sonawale.
15. S. G. Bhoir.
16. N. H. Bhoir.
17. M.G.M. Sayyed.
18. K. Krishnan.
19. P. K. Sargar.
20. Y. A. Jadhav.

21. B. R. Madikkar.
22. Ramlu Lingappa.
23. Ganga Bisram.
24. T. R. Gaikwad.
25. A. C. Ramaiah.
26. V. J. Sonawane.
27. W. G. Adav.

... Respondents.

O.A. NO.: 1284/95.

1. Shri C. R. Sawane,
Exam. H.S.-I.
2. Shri P. J. Sonawane,
Exam. H.S.-I.
3. Shri D. P. Patkar,
Exam H.S.-I.
4. H. R. Gaikwad,
Miller HS-I.
5. R. S. Kharwante,
Miller H.S.-I.
6. Shri A. N. Wagh,
Miller H.S.-I.
7. Shri R. W. Wani,
Miller H.S.-I.
8. Shri G. M. Kumbhare,
Miller H.S.-I.
9. Shri A. K. Khalsa,
Miller H.S.-I.
10. Shri R. T. Jaware,
Miller H.S.-I.
11. Shri S. D. Bhoi,
Miller H.S.-I.
12. Shri P. H. Chimankare,
Miller H.S.-I.
13. Shri S. J. Salvi,
Miller H.S.-I.
14. Shri R. D. Thakare,
Turner H.S.-I

15. H. S. Sutar,
Turner H.S.-1.
16. V. R. Jvavaharkar,
Turner HS-I.
17. Shri R. L. Patel,
Turner HS-I.
18. Shri P. S. Soman,
Turner HS-1.
19. Shri C.G. Mahajan,
Turner HS-1.
20. Shri P. H. Patankar,
Turner HS-1.
21. Shri V. D. Thakare,
Turner HS-1
22. M. B. Auty.
23. A.O.A. Shaikh.
24. C. R. Sonawane.
25. N. D. Ghatkamble. ... Applicants.

VERSUS

1 to 3 official respondents
same as above. *

4. P. P. Borse.
5. R. O. Rajput.
6. B. N. Kulkarni.
7. N. R. Kshirsagar.
8. S. K. Saheb.
9. N. A. Yardi.
10. V.R. Kulkarni.
11. R. V. Brahme.
12. T. R. Gite.
13. N. C. Kukreja.
14. S. C. Patil.

15 to 22 Private Respondents same as
sl. no. 5 to 12 in O.A. 1282/95.

23. V. P. Jadhav.

24 to 39 .. Private Respondents same
as sl. nos. 13 to 28 in
O.A. No. 1282/95.

40. Shri W. G. Adav. ... Respondents.

O.A. NO.: 1285/95.

1. Shri S. R. Kulkarni.

2. Shri R. H. Satav,
Miller HS-1.

3. Shri D. B. Bhamare,
Miller HS-1

4. Shri V. S. Joshi,
Miller HS-1.

5. Shri M. N. Palodkar,
Miller H.S.-1.

6. Shri S. B. Patil, ... Applicants
Miller HS-1.

VERSUS

1 to 3 Official Respondents
same as above.*

4 to 24 Private Respondents
same as sl. no. 7 to 27
in O.A. No. 1283/95.

O.A. NO.: 1286/95.

1. B. S. Patil.

2. V. N. Belote.

3. G. S. Borse.

4. Y. S. Deshmukh.

5. S. D. Shiralkar.

6. S. L. Bhelkar ... Applicants.

All the applicants are
working as Exam H.S.-1

...7



VERSUS

1 to 3 Official Respondents
same as above.*

4. R. V. Brahme.
5. Shri V. R. Kulkarni.
6. Shri T. R. Gite.
7. Shri N. C. Kukreja
8. Shri S. C. Patil.
9. Shri S. Muthu.

10 to 32 Private Respondents same
as sl.nos. 4 to 27 (except sl.no. 12)
in O.A. No. 1283/95

O.A. NO.: 1287/95.

Shri D. R. Dixit,
Exam HS-I, M.T.P.F.,
Ambernath.

... Applicant.

VERSUS

1 to 3 Official Respondents same
as above.*

4. Shri N. A. Yardi.
5. Shri R. V. Brahme.
6. Shri V. A. Kulkarni.
7. Shri T. R. Gite.
8. Shri N. C. Kukreja.
9. Shri S. C. Patil.
10. Shri S. Muthu.

11 to 33 Private Respondents same
as sl. Nos. 4 to 27
(except sl. no. 16) in
O.A. No. 1283/95.

... Respondents.

...8



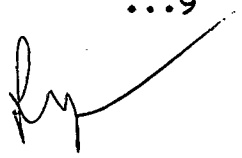
O.A. NO.: 1288/95.

1. Shri A. P. Bantode,
Miller Grade-I.
2. Shri R. K. Dhere,
Miller HS-II.
3. Shri K. S. Vispute,
Miller HS-II.
4. Shri M. B. Dhangavhal,
Miller HS-II.
5. Shri D. B. Nashikkar,
Turner HS-II.
6. Shri B. Y. Devpurkar,
Turner HS-II.
7. Shri S. Y. Mali,
Miller HS-II.
8. Shri R. V. Pohare,
Fitter HS-II.
9. Shri V. B. Jadhav,
Turner HS-II.
10. Shri U. D. Joshi,
Tool Maker HS-II.
11. Shri A. D. Vispute,
Tool Maker HS-II.
12. Shri P. S. Bhavsar,
Tool Maker HS-II.
13. Shri D. M. Pradhan,
Tool Maker HS-II.
14. Shri A. N. Beturkar,
Tool Maker HS-II.
15. Shri K. B. Gite,
Tool Maker HS-II.
16. Shri A. B. Thorat,
Turner HS-II.
17. Shri B.P. Kulkarni,
Viewer HS-II.

... Applicants

VERSUS

...9



1 to 3 Official Respondents
same as above.*

4 to 17 Private Respondents same as
sl. Nos. 13 to 28 (except sl. Nos.
17 and 19) in O.A. No. 1282/95.

18. Shri W. G. Adav.

... Respondents.

O.A. NO.: 1289/95.

Shri H. G. Koli,
C/Man-I, M.T.P.F.,
Ambernath.

... Applicant.

VERSUS

1 to 3 Official Respondents
same as above.*

4. Shri M. B. Mavachi.

5. Shri B. N. Kulkarni.

6. Shri S. K. Saheb.

7. Shri N. R. Kshirsagar.

8. Shri N. A. Yardi.

9. Shri V. R. Kulkarni.

10. Shri T. R. Gite.

11. Shri N. C. Kukreja.

12. Shri S. C. Patil.

13. Shri S. Muthu.

14. Shri R. V. Brahme.

15 to 37 Private Respondents same as
Sl. Nos. 4 to 27 (except Sl. No. 25)
in O.A. No. 1283/95.

... Respondents.

O.A. NO.: 1290/95.

1. Shri M. V. Ambekar.
C/Man Grade-II.

2. Shri K. K. Sanap,
Master Craftsman.

3. Shri D. Lawrence,
Miller HS-I.

... 110

[Handwritten signature]

4. Shri E. B. Salve,
Master Craftsman.
5. I. S. Arab,
Turner HS-1.
6. Shri A. P. Saraft,
Exam. HS-I.

... Respondents.

... Applicants.

VERSUS

1 to 3 Official Respondents
same as above.*

4. Shri D. B. Naidu.
5. Shri Jagjjit Paul.
6. Shri C. K. Das.
7. Shri K. D. Raichandani.
8. Shri O. P. Mathai.
9. Shri T. K. Adhikari.
10. Shri K.G.S. Nair.
11. Shri M. H. Karvinkar.
12. Shri G. R. Pasi.
13. Shri R. J. Chavan.
14. Shri H. K. Borade.
15. Shri P. P. Borse.
16. Shri R. O. Rajput.

17 to 50 Private Respondents same as
sl. Nos. 4 to 37 (except sl. no. 26)
in O.A. Nos. 1289/95 ... Respondents.

All the above applicants and
Private Respondents are working
in the Machine Tool Prototype
Factory, Ambernath.

(Applicants represented by Shri D. V. Gangal
in all the O.As.)

Official Respondents Nos. 1 to 3 represented
by Shri R. K. Shetty alongwith Shri R. R. Shetty
in all the O.As.)

...11



OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

All these applications are filed by the various applicants for certain reliefs. The official respondents have filed reply. The private respondents have not entered appearance. We have heard Mr. D. V. Gangal, the Learned Counsel for the applicants and Shri R. K. Shetty alongwith Shri R. R. Shetty for the official respondents.

2. In all these cases the applicants' grievance is that they are very much senior to the respective private respondents in these cases but still the administration has passed an order giving ante-dated promotion to the private respondents and thereby, making them senior to the applicants. It is also stated by the applicants that the administration has taken the step on the basis of the judgement of the Calcutta Bench of the Tribunal in T.As 1248/86 and 1361/86.

It is now brought to our notice that the Government itself challenged the order passed by the Tribunal before the Supreme Court. In the meanwhile, review petitions were filed before the Calcutta Bench. The Supreme Court gave a direction to the Calcutta Bench to dispose of the review petition. It is also seen that the Calcutta Bench of the Tribunal in Review

Petition No. R.A. 74/91 allowed the review application by order dated 06.01.1997 by reviewing the earlier judgement and holding that both the Transfer Applications are liable to be dismissed. Therefore, in view of the order passed by the Calcutta Bench of the Tribunal in the Review Application, the earlier judgement of the Calcutta Bench dated 30.10.1987 no longer exists. It is also brought to our notice that the judgement of the Calcutta Bench in the Review Application has now become final. This has been also noticed by the Supreme Court in the order dated 21.07.1997 in Civil Appeal No. 4944/97 and connected cases.

3. In view of the fact that the earlier judgement of the Calcutta Bench dated 30.10.1987 is no longer in existence, the action of the administration in giving promotion or seniority to the private respondents will not be sustainable. In fact, the respondents' counsel brought to our notice that on the basis of the judgement on Review Application, the administration itself has decided to withdraw the benefit given to the private respondents on the basis of the earlier judgement of the Calcutta Bench dated 30.10.1987 and he infact, produced some copies of the order issued by the administration reverting some of the private respondents on the basis of the review judgement. Now that the administration itself has decided to revert all the private respondents and take away the benefit given to them under the judgement dated 30.10.1987 of the Calcutta Bench, nothing more to be decided in this case.

Now the administration has to consider the claim of the applicants for promotion as per the seniority and as per rules on the footing that the earlier judgement dated 30.10.1987 of the Calcutta Bench is no longer in force.

4. In the result, all the O.As. are hereby allowed in view of the stand of the administration that they themselves are taking steps to revert all the private respondents on the basis of the judgement of the Calcutta Bench in the review application. Respondents should consider the claim of the applicants for the purpose of promotion on the basis of seniority and rules, and if necessary, by holding a review D.P.C. In the circumstances of the case, we are not inclined to fix any time limit but however, the administration should take steps as early as possible and subject of course, to rules. No order as to costs.

MEMBER (A).

VICE-CHAIRMAN.

os*